

Christine Cusack

From: Whitman, M. Hamilton Jr. [mhwhitman@ober.com]
Sent: Wednesday, March 23, 2005 6:27 PM
To: Christine Cusack; wcbailey@simmsshowers.com; bbrunk@gulfattorneys.com; jbartlett@semmes.com; bcole@semmes.com; agiles@semmes.com; clyon@semmes.com; rclyne@hillrivkins.com; FJGorman@GandWlaw.com; jsaville@hillrivkins.com; berniesevel@aol.com; jskeen@skaufflaw.com; Jeff Asperger
Cc: Palmere, Paula K
Subject: RE: Proposed Joint Motion

Christine, Jeff and All:

I like neither the approach nor the form of this proposal, and I have some problem with the proposed dates.

As to form, perhaps Jim Skeen could put together something remotely resembling the practice in our court.

As to approach, I think that the starting place and reference is Judge Bredar's Memorandum and Order, not any feeling of the parties. Judge Legg is likely to do whatever we propose in response to Judge Bredar's order, but he won't like a generalized "we feel like we need more time" motion. I had suggested to Jeff yesterday that the motion should say exactly what is going to be done, and I urged Christine today to contact Bob Clyne or Jim Saville about the substance of any submission.

As to dates, I suggest that we avoid weekends, and I would ask for some slack because I have a major arbitration for 3 weeks in June. I suggest April 29, May 27 and July 11, respectively, for revised and particularized versions of items 1, 2 and 3. Also, are there any factual discovery matters that need to be mentioned?

It would be inappropriate to insert another dispositive motions deadline. We should make item 4 a date to report status to the court, including where we stand on completion of discovery and on requesting a new date for the settlement conference.

I am not available to speak tomorrow but could look at a fax of a revised motion - Paula Palmere will forward it to me if it is sent to my office by fax.

Regards,

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-----Original Message-----

From: Christine Cusack [mailto:ccusack@asplaw.net]
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Cc: Jeff Asperger



Subject: Proposed Joint Motion

Attached is a Proposed Joint Motion to Modify Discovery Schedule (in both WordPerfect and Word formats) per Judge Bredar's Memorandum and Order dated Feb. 24, 2005. Please review same and submit any proposed changes to my attention before 1:00 p.m. CST at which time this Motion will be filed.

Thank you.

<<Joint mtn. to modify discovery schedule.doc>> <<Joint mtn. to modify discovery schedule.wpd>>

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